IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 28066 of 2005

Between:

V.Venkata Ramana and 6 others

..... PETITIONERS

AND

The Deputy Superintendent of Police,

C.I.D., Regional Crime Investigation Unit,

Kurnool

.....RESPONDENT

ORDER:

Seeking a Mandamus, declaring the action of the respondent in calling the petitioners to his office at Kurnool in connection with the cases other than Crime No.174/2000 on the file of the Judicial First Class Magistrate's Court, Rayachoti, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioners submit that they have stood as sureties for various accused in respect of Crime No.174/2000 on the file of Judicial First Class Magistrate's Court, Rayachoti, Kadapa District. It is stated that there is no any allegation of jumping from bail in the said crime, and if the accused, for whom the petitioners stood as sureties,

jumped from the bail, it is always open for the concerned Court/police to forfeit the surety amount. It is further stated that the said accused are also involved in other crimes such as Crime Nos.32/2002 of Devanakonda PS, 39/2002 of II Town PS, Kurnool, 52/2002 of Bethamcherla PS and 60/2002 of Veldurthy PS of Kurnool District and in that connection, summons have been issued to the petitioners under Section 91 of Cr.p.c. requesting them to appear before the respondent along with documents such as letters, phone numbers, addresses or any other correspondence of the alleged accused and also of the kith and kin of the said accused for the purpose of investigation. Aggrieved by the said notices, the petitioners have got issued legal notices through their counsel on 02.12.2005 and 16.12.2005, for which a reply has also been given by the respondent on 22.12.2005, stating that the respondent has got power to issue such summons.

A perusal of Section 91 of Cr.p.c. goes to show that any officer incharge of the police station considers that production or any document or other things necessary or desirable for purpose of any investigation, enquiry or other proceedings, under Code of Criminal Procedure, he is entitled to issue such summons to any person, requiring him to attend and produce documents before him. Under Section 91(2) of Cr.p.c. if any person required under Section 91 of Cr.p.c. is merely directed to produce a document or other things, and such documents are produced, it is requisite compliance of production of documents. But in the instant case, not only certain documents are required to be produced, but also requested the petitioners to appear in person, and therefore, it cannot be said that issuance of impugned summons is illegal and arbitrary. I do not see any merits in this writ petition. The learned counsel for the petitioners requested to permit the petitioners to appear before the respondent along with counsel. There cannot be any objection for the petitioners to appear before the respondent along with their counsel

Accordingly, the Writ Petition is dismissed. No order as to costs.

_____

V.ESWARAIAH,J

Dated: 30.12.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr